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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,794	07/18/2000	James Norman Cawse	RD-26357	8865

6147 7590 12/02/2002

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EXAMINER

FRIEND, TOMAS H F

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,794

Applicant(s)

CAWSE, JAMES NORMAN

Examiner

Tomas Friend

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 26 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Change of Art Unit Designation

Please note: The Art Unit location of this application in the PTO has changed from Art Unit 1627 to Art Unit 1639. To aid in matching papers to this application, all further correspondence regarding this application should be directed to **Group Art Unit 1639**.

Status of the Application

Receipt is acknowledged of a response to an office action with amendment on 03 September 2002 (Paper No. 21). It is noted that the "clean copy" of the claims submitted in Paper No. 21 is missing the last word and the bottom half of the second line of claim 31. The missing portion of the clean copy of the claim has been corrected by the examiner based upon the marked up version of the claim.

Status of the Claims

Claims 1-15, 26, and 29-35 were pending in the present application. Claims 1-15 were withdrawn from further consideration as being drawn to non-elected inventions in Paper No. 7. Claims 26 and 27 were cancelled in Paper No 12.

Claims 26 and 29-35 are pending and examined on their merits.

Withdrawn Rejections and Objections

1. The objection to claim 31 over missing the word "*to*" in line 1 between "*proximate*" and "*said*" Is withdrawn in response to applicant's amendment.

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2. The rejection of claims 26 and 29-35 under 35 U.S.C. 103(a) as being unpatentable over Styllki et al. U.S. Patent No. 5,985,214 November 1999 and Bagshawe et al. U.S. Patent No. 3,784,826 January 1974 is withdrawn.

Objections to the Claims

3. Claim 35 is objected to for containing two periods.

New Grounds of Rejection

New Grounds of Rejection – 35 U.S.C. 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, as being unpatentable over Frey U.S. Patent 5,563,095 (October 1996).

Initially it is noted that intended use language in an apparatus claim is not given patentable weight. An apparatus disclosed in the prior art that possesses all of the claimed structural limitations is inherently capable of being used in the same manner as the claimed apparatus.

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The Frey patent discloses an apparatus and method for the continuous manufacturing of semiconductor devices by sequential processing (column 4, lines 8-28). Column 11, lines 34-38, discloses that the process can be contained in one or more chambers (i.e. vessels) with airlocks separating the chambers through which a ribbon bearing semiconductor wafers may be threaded (i.e. the airlocks are part of charge ports and discharge ports for entry and exit of the ribbon). Column 13, lines 9-52, describes figure 6, which discloses a wafer loading airlock 502 leading into a set of chambers (i.e. a vessel comprising chambers) and a wafer unloading airlock 538 for removing wafers. Controllers are inherently required or would immediately be envisaged for the synthesis of semiconductor microchips, for example. Accordingly, the Frey patent anticipates present claims 26, 32, and 33. The small number of different types of valves used for airlocks is small. One would have immediately envisaged the use of ball valves as well as gate valves with the apparatus. Consequently, present claim 29 is anticipated by the Frey reference. Alternatively, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use ball valves or other functional equivalents as desired by one making the apparatus. One would have been motivated to use a ball valve, for example, because a ball valve is durable and easily opened and closed.

5. Claims 26, 29, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Gross et al. U.S. Patent 5,020,237 (June 1991).

Initially it is noted that intended use language in an apparatus claim is not given patentable weight. An apparatus disclosed in the prior art that possesses all of the claimed structural limitations is inherently capable of being used in the same manner as the claimed apparatus.

The Gross et al. patent discloses an apparatus for dehydrating fruit (abstract). Column 4, lines 39-55, and figures 1 and 15 disclose that the apparatus comprises a vacuum chamber, a conveyor belt for moving samples of fruit through the chamber, and airlock valves. Since the entire chamber is under vacuum, one would immediately have envisaged an airlock at the exit end of the chamber. Claim 1 recites a chamber defining an elongated cavity having an inlet end (charge port) and an outlet end (discharge port), and controlling means for controlling infrared energy and microwave energy to produce desired temperature gradients. Claim 4 recites the

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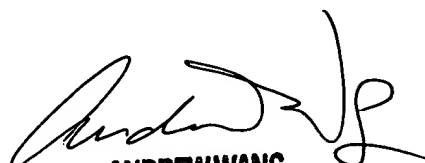
limitation of a moisture meter at the outlet to sense the moisture of the product. Claim 5 recites a moisture meter in a rest zone within the chamber. Accordingly, the Gross et al. patent anticipates present claims 26, and 31-34. The small number of different types of valves used for airlocks is small. One would have immediately envisaged the use of ball valves as well as gate valves with the apparatus. Consequently, present claim 29 is anticipated by the Gross et al. reference. Alternatively, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use ball valves or other functional equivalents as desired by one making the apparatus. One would have been motivated to use a ball valve, for example, because a ball valve is durable and easily opened and closed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tomas Friend** at telephone number **(703) 308-4548**. The examiner's normal schedule is four, ten-hour days per week including Saturdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (703) 306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2742.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1235.

Tomas Friend, Ph.D.
25 November 2002


ANDREW WANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600